IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION 5:06cv70

PAULA TOWNSEND,)
Plaintiff,)
Vs.	ORDER
MARK WILLIAM SHOOK, individually and in his official capacity as Sheriff of Watauga County; WATAUGA COUNTY; and JOHN DOE SURETY,))))
Defendants.)

THIS MATTER is before the court on the defendants' motions for summary judgment (#51 & #54) and counterclaim defendant's Motion for Summary Judgment (#49). Based on the dates on which such motions were filed, the last possible date for filing briefs in reply appears to be September 10, 2007. The Final Pretrial Conference in this matter is scheduled for September 12, 2007. The parties are, therefore, advised that the court will hear oral arguments on the pending dispositive motions during the Final Pretrial Conference and the court anticipates issuing its decision orally from the bench.

In conducting review of the pending motions, the court has closely reviewed the docket inasmuch as prior to reaching motions for summary judgment, this court requires full compliance with the Pretrial Order. Review of the Pretrial Order reveals that mediation was due to be completed not later than May 1, 2007, and Local Rule 16.3(C)(3) requires that a mediator's report be filed with the court within seven days

of the conclusion of the conference. The court assumes that such deadline was

complied with and that failure to file the report is mere oversight. Respective counsel

shall, therefore, comply with Local Rule 16.3(C)(3) and the Pretrial Order by August

17, 2007, by filing the required report showing that mediation was in fact completed

on or before the deadline established by the Pretrial Order.

Finally, counsel for the respective parties are advised to closely review the

pretrial filings and exchanges as provided in Section IV of the Pretrial Order. While

the Pretrial Order allows many of the filings and exchanges to occur up to one week

before trial, the court has found that making the exchanges at the Final Pretrial

Conference (if such can be agreed to by the parties) creates a much smoother trial.

ORDER

IT IS, THEREFORE, ORDERED that a Final Pretrial Conference is

calendared for September 12, 2007, at 12 noon in the Courtroom #2 in Asheville.

Oral arguments are **CALENDARED** to be heard at that time on defendants' motions

for summary judgment (#51 & #54) and counterclaim defendant's Motion for

Summary Judgment (#49).

Signed: August 10, 2007

Dogwood I is

Dennis L. Howell

United States Magistrate Judge

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